

Schary, Claire

From: Poulsom, Susan
Sent: Thursday, July 03, 2014 10:04 AM
To: Carrie Sanneman
Cc: Keenan, Dru; Schary, Claire; nmullane@msn.com
Subject: RE: Permitt compliance point - Third Draft JRS Draft Recommendations

Thanks!

From: Carrie Sanneman [mailto:sanneman@willamettepartnership.org]
Sent: Thursday, July 03, 2014 9:01 AM
To: Poulsom, Susan
Cc: Keenan, Dru; Schary, Claire; nmullane@msn.com
Subject: Re: Permitt compliance point - Third Draft JRS Draft Recommendations

Hi Susan,

Neil went back and looked at the comments received on this point, just to make sure we hadn't kept those word in response to another point. There does not appear to be a conflict with removing them, so we'll do that in the next version. Thanks for reviewing!

Carrie

On Wed, Jul 2, 2014 at 3:03 PM, Poulsom, Susan <Poulsom.Susan@epa.gov> wrote:

Carrie –

I reviewed the NPDES permitting section. I have one concern, that is with a phrase that was added to the third draft “or mixing zone”

1. Permit Compliance Point and the Trade Compliance Point

The NPDES permit establishes a specific compliance point for the effluent limits identified in the permit. Generally, the permittee must be in compliance with the effluent limits at the end of its discharge pipe **or mixing zone**. In a trading program, credits will likely be generated within the broad geographic trading area of the TMDL, but the permittee will use those credits to offset effluent limit exceedances that have a specific compliance point defined in the permit.

I recall that phrase was in an earlier version that we reviewed and commented on. Cc'ing Neil.

Thanks,

Susan

From: Carrie Sanneman [mailto:sanneman@willamettepartnership.org]

Sent: Wednesday, June 25, 2014 10:25 AM

To: ADES Dennis R; FOSTER Eugene P; hbre461@ECY.WA.GOV; Marti Bridges;
mgil461@ECY.WA.GOV; Michael McIntyre; Ranei Nomura; Schary, Claire; Poulsom, Susan

Cc: Bobby Cochran; Joe Furia; Karin Power; Neil Mullane; Tim Wigington

Subject: Re: Third Draft JRS Draft Recommendations for your review

Hi again (x2),

We ask your patience for one more final final version of the statement. A deletion was made along the way that some are not comfortable with. The language highlighted below will be reinserted. A clean version is attached. The highlighted insertion is the only change.

Goals

The goals of this set of regional recommendations are to help ensure that water quality trading programs have the quality, credibility, and transparency necessary to be consistent with the Clean Water Act (CWA), its implementing regulations, and state and local water quality laws and that all trades achieve water quality improvements. To reach these goals, the workgroup set out to identify the critical components of water quality trading programs and recommend several approaches to address these components. The recommended approaches were selected to increase the confidence of participants and observers that trades will produce their intended water quality benefits and comply with applicable CWA regulations.

Please let us know as soon as you can if this, or any other part of the statement, is a problem. We would like to deal with any last minute changes as quickly as possible.

Thanks!

Carrie

On Tue, Jun 24, 2014 at 9:40 AM, Carrie Sanneman <sanneman@willamettepartnership.org> wrote:

Hi again,

My apologies, please use this copy of the Joint Statement. The only difference (shown below) is a shift in the last sentence around timing of next steps. This will make the Statement consistent with the Draft Recommendations. The press release/public post will be adjusted similarly. This timeline for revisiting the Draft Recommendations document was pushed out a little to account for the extra months it took us to finalize it.

"The states and EPA will reconvene ~~in late 2014 or early 2015~~ to discuss their pilot experiences and, if needed, to refine the guiding principles and draft best recommendations for water quality trading **by the end of the project in September 2015.**"

Best,

Carrie

On Tue, Jun 24, 2014 at 8:54 AM, Carrie Sanneman <sanneman@willamettepartnership.org> wrote:


Hi everyone,

Attached are two copies of the third draft of the Draft Recommendations document. There is a clean version and one with all tracked changes. I've also attached the final Joint Statement. Please note the individual signature pages, which help smooth the logistics for a multi-signatory document. We will combine each signature block to present them on one page. You can edit names or titles as necessary.

We will be checking in with you this week to talk through these changes and discuss any logistics around signing and release. When you feel comfortable, please go ahead with signatures. **The latest moment we can get your "go - no-go" for the June 30 release is Friday morning, 6/27.**

Below are a list of what we think are the substantive changes made in this document in response to your comments. It is our sincere hope that we are ready to move forward with this draft as a representation of our conversations to date, but since the comments required some significant revisions in parts, we wanted to make sure you had a chance to see how they were addressed and feel comfortable with the document that's going out there.

- **Throughout:** Change convention for defined terms. The first use of defined terms in Exec Summary and main doc will be shown in quotes. (vs capitalization, which was distracting). Updated all footnotes into one convention style. Full citations for sources included in first instance in each section, but short citations used for all other occurrences in that section.
- **Exec Summary, Baseline (Sec 2), & Glossary:** Revision to Baseline section describing the sources and hierarchy of information states should look to to set baseline (existing regulatory requirements, TMDL, state nonpoint source authority). We checked these with Bob Rose at EPA to make sure we were capturing his thoughts.

- **Exec Summary & Credit Characteristics (5):** Updated description and discussion of payment stacking and credit stacking. We were trying to be clearer on thinking around this issue, providing a little more room for flexibility if the permittee can explain how stacking provides additional water quality benefits. Clarified question of credits as property rights based on more comprehensive survey of sources nationwide.
- **Exec Summary and Registration (8):** Clarify connection between registration and DMR reporting 
- **Introduction & throughout:** Clearly call out our definitions for trading framework, plan, guidance. Use terms consistently
- **Eligibility & Permitting (1):** We got a lot of comments on this section, and Tim and Neil worked to simplify the section and make it clearer.
- **Eligibility (1):** Added discussion on the role of a list of approved BMPs and considerations on when that should be developed, why one might use a state-wide list
- **Quantification (3):** Clarify different options for documenting pre and post project condition (e.g., presence/absence of BMPs vs load estimates)
- **Trading Ratios (4):** Included an example of how trading ratios are applied
- **Registration (8):** Describe rationale for proactive sharing of project documents beyond EPA 2003 policy guidelines.
- **Appendix B:** Inclusion of "Tier 1" discussion summary on a draft legal framework, developed through discussions with state and EPA counsels. The attorneys involved from each state were notified of our intent to include this discussion summary in the Draft Recommendations document.
- **Appendix C** Addition of a comprehensive source list
- **Glossary:** added new definitions where warranted

As always, thank you for all your help and hard work on this. We'll be checking in over the next couple days to try and get this over the finish line.

Best,

Carrie

--

Carrie Sanneman

Ecosystem Services Project Manager

Willamette Partnership